

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CDC NEWBURGH INC.,

Plaintiff,

v.

STM BAGS, LLC and LIENAU
SALES AND MARKETING, LLC
(d/b/a LIENAU),

Defendants.

Case No: 7:22-cv-1597-NSR

**NOTICE OF MOTION TO
DISMISS COUNTERCLAIMS**

PLEASE TAKE NOTICE that Plaintiff/Counterclaim-Defendant, CDC Newburgh Inc., by and through its undersigned counsel, shall move before the Honorable Nelson S. Román, United States District Judge for the Southern District of New York, at the United States Courthouse located at 300 Quarropas Street, White Plains, New York, 10601, at a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing defendant STM Bags, LLC's Counterclaims (Dkt. 20) in their entirety with prejudice.

PLEASE TAKE FURTHER NOTICE that, in support of this Motion, Plaintiff/Counterclaim-Defendant will rely upon the accompanying Memorandum

of Law, Declaration of Jason B. Lattimore, Esq., and all pleadings and proceedings in this matter.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's May 12, 2022 Order, defendant STM Bags, LLC's opposition papers are to be served on July 11, 2022 and Plaintiff's reply papers are to be served on July 26, 2022.

Dated: June 11, 2022

The Law Office of
JASON B. LATTIMORE, ESQ. LCC

By s/ Jason B. Lattimore
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Defendant CDC Newburgh Inc.*

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Attorneys For Defendant and
Counterclaim Plaintiff STM Bags LLC

CERTIFICATE OF SERVICE

I, Jason B. Lattimore, hereby certify pursuant to 28 U.S.C. § 1746 that:

1. I am a member in good standing of the bar of this Court. I am also counsel for the plaintiff/counterclaim-defendant, CDC Newburgh Inc. ("CDC"), in the above-captioned matter.

2. On this date, I served Defendant's NOTICE OF MOTION TO DISMISS COUNTERCLAIMS, MEMORANDUM OF LAW in support, and the DECLARATION OF JASON B. LATTIMORE, ESQ. in support on all counsel by delivering the same to them by email at the email addresses supplied by them for notice through the court's ECF electronic filing system.

I certify under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of June, 2022.

s/ Jason B. Lattimore

Jason B. Lattimore